



NORTHERN DISTRICT OF TEXAS
ENTERED
TAWANA C. MARSHALL, CLERK
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed November 2, 2009

Harlin DeWayne Hale
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

IN RE:

GEORGE PATRICK SULIMA,

Debtor.

§
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§

Case No. 09-70030-HDH-7

ORDER ON MOTION TO COMPEL TURNOVER

The Court held a hearing on the Debtor's Motion to Compel Turnover of Funds [Dkt. # 38] ("Motion") on October 28, 2009. At the hearing, the Debtor did not offer any evidence, so the Court had to rely on the documents offered by the Striplings. After the hearing, the Court took the Motion under advisement for further consideration, and now finds that the Motion should be denied.

The Debtor filed the present bankruptcy case on January 29, 2009. The Striplings obtained their judgment against Shauna, Inc., over four years prior to the commencement of the present bankruptcy case. The New Mexico District Court found the Debtor personally liable for the judgment on May 6, 2008, and the Striplings filed their application for writ of garnishment on June 2, 2008. On August 20, 2008, the New Mexico District Court denied the application to quash the writ

of garnishment, and the funds became the property of the Striplings. *See* NMRA Rule 1-065.2. Since this was accomplished outside the preference period, the funds are not property of the estate, and not subject to turnover. *See In re Ford*, 29 B.R. 364 (Bankr. W.D. Mo. 1983).

It is therefore,

ORDERED that the Motion is **DENIED**.

###End of Order###